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OFFICE OF PETITIONS

In re Application of
Karl Schreiber et al.
Application No. 10/735,706
Filed: December 16, 2003
Attorney Docket No. **2560-0415**

ON PETITION

This is a decision on the petition filed October 17, 2008, which is being treated under 37 CFR 1.181, to withdraw the holding of abandonment.

The petition under 37 CFR 1.181 is **GRANTED**.

This application became abandoned August 28, 2006 for failure to file a timely response to the Final Office Action mailed May 25, 2006. Accordingly, a Notice of Abandonment was mailed July 31, 2008.

Petitioner claims that the Final Office Action mailed May 25, 2006 was never received in that the Office Action was mailed to a previous address even though a change of address, which was filed with a withdrawal of attorney that was not approved, was filed July 23, 2004. Petitioners argue that even if the Request to Withdraw was denied, the Change of Address was appropriately filed by an attorney of record and such Change of Address should have been entered by the Patent Office.

A review of the file confirms that the address change was filed on July 23, 2004 by an attorney of record and that the USPTO records were not updated. While the file reveals that the Final Office Action was returned by the USPTO as undeliverable, petitioners have effectively demonstrated their diligent efforts to update the address and to ensure that correspondence mailed from the USPTO was properly addressed.

The Final Office Action was mailed to the wrong address and as petitioners claim, not received. In view of the above, no petition fees are due and none have been charged.

The Notice of Abandonment is withdrawn and this matter is being referred to Technology Center 1725 for a re-mailing of the Final Office Action and for a restarting of the period for response.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball
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Office of Petitions